

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of a        ) NOTICE OF AMENDMENT OF A  
temporary emergency rule closing        ) TEMPORARY EMERGENCY RULE  
Placid Lake and Seeley Lake,        )  
Missoula County, MT        )

TO: All Concerned Persons

1. The Fish, Wildlife and Parks Commission (commission) believes the following reasons justify the amendment of a temporary emergency rule:

(a) There is an immediate need for a source of water for aircraft dropping water on the Jocko Lakes fire.

(b) The aircraft scoop water while hovering over the surface of the water. Other aircrafts used require at least 5,000 feet of clearance in order to slow down, scoop water into the airplane, and lift off again.

(c) Persons on Placid Lake recreating while aircraft are loading water would be subjected to immediate and extreme danger. Furthermore, flight crews would be subjected to increased and additional peril if aircraft had to maneuver to avoid recreationists. However, the threat to persons recreating on Seeley Lake no longer exists.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the commission adopts the following amended temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as an amended temporary emergency rule in Issue No. 17 of the 2007 Montana Administrative Register.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on September 20, 2007, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; or e-mail [jesnyder@mt.gov](mailto:jesnyder@mt.gov).

3. The amended temporary emergency rule is effective August 25, 2007 when this rule notice is filed with the Secretary of State.

4. The text of the amended temporary emergency rule provides as follows:

RULE 1 PLACID LAKE AND SEELEY LAKE TEMPORARY EMERGENCY CLOSURE (1) ~~Placid Lake and Seeley Lake are~~ is located in Missoula County.

(2) ~~Placid Lake and Seeley Lake are~~ is closed to all boating, floating, and swimming and any other public occupation of the lakes.

(3) This rule is effective as long as Placid Lake ~~or Seeley Lake~~ is needed as a source of water for fighting wildfires. The commission delegates its authority to the department, in consultation with the commissioner in the region, to determine when Placid Lake ~~and Seeley Lake are~~ is again safe for boating, floating, and swimming and any other occupation of the water and to rescind the temporary emergency closure.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 87-1-303, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. This rule will expire as soon as the department determines the lakes ~~are~~ is again safe for boating, floating, and swimming and any other occupation of the lakes. This will depend on the extent and duration of wildfires in the area. Signs restricting use of the lakes will be removed when the rule is no longer effective. Notice of repeal of this amended emergency rule will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jessica Snyder, Legal Unit, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, Montana 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; or e-mail [jesnyder@mt.gov](mailto:jesnyder@mt.gov). Any comments must be received no later than September 21, 2007.

8. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ M. Jeff Hagener

M. Jeff Hagener,

Secretary

Fish, Wildlife and Parks Commission

/s/ Bill Schenk

Bill Schenk

Rule Reviewer

Certified to the Secretary of State August 23, 2007.